



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 7, 2011

Dave Niemeyer
Freedom of Information Officer
Village of Oak Brook
1200 Oak Brook Road
Oak Brook, IL 60523

RE: Pre-Authorization Request — 2011 PAC 12623

Dear Mr. Niemeyer:

We have received and reviewed the written notice from the Village of Oak Brook of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request dated February 4, 2011, seeking specific records from the Village. In its written notice, the Village asserted that a vehicle identification number and a license plate number are exempt from disclosure under Section 7(1)(c) of FOIA.

The license plate number the Village seeks to redact falls within the Section 7(1)(b) exemption for private information. 5 ILCS 140/7(1)(b) "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5).

Use of this exemption to partially deny disclosure of public records does not require preapproval from our Office.

Determination

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable

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person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The Village's use of the exemption in Section 7(1)(c) with regard to vehicle identification numbers is denied. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). Therefore, the Village has not met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c). As such, the Village may issue a partial denial letter directly to the requester and release the records with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Rebecca Riddick by: AA

Rebecca Riddick
Assistant Public Access Counselor

cc:

